

PTO/SB/64 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
AVAN/000419

First named inventor: Bernard Y. Malo

Application No.: 09/892,472

Art Unit: 2874

Filed: June 28, 2001

Examiner: Daniel J. Petkovsek

Title: LOCALIZED ANNEALING OF UV INDUCED INDEX GRATING-IN OPTICAL WAVEGUIDES

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee☐ Small entity - fee \$_____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☐ Other than small entity - fee \$_____ (37 CFR 1.17(m))☒ The Commissioner is hereby authorized to charge counsel's Deposit Account No. 20-0782/AVAN/000419US the petition fee of \$1,500.00. (A duplicate copy of this form is included.)**2. Reply and/or fee**A. The reply and/or fee to the above-noted Office action in the form of a Response and Amendment (See attached sheet) (Identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee of \$ _____

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 2]

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341255_1

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3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

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<u>Walter C. Grollitsch</u>	<u>11 March 2005</u>
Signature	Date
<u>Walter C. Grollitsch</u>	<u>48,678</u>
Typed or printed name	Registration Number, if applicable
<u>3040 Post Oak Blvd., Suite 1500</u>	<u>713-623-4844</u>
Address	Telephone Number
<u>Houston, Texas 77056</u>	
Address	

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other : _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(A)]

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-8306.

11 March 2005

Date

Walter C. Grollitsch

Signature

Walter C. Grollitsch

Typed or printed name of person signing certificate

[Page 2 of 2]

MAR 11 2005

PATENT

Atty. Dkt. No. AVAN/000419

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	
Bernard Y. Malo	§	
	§	Group Art Unit: 2874
Serial No.: 09/892,472	§	
	§	Examiner: Petkovsek, Daniel J.
Confirmation No.: 3302	§	
	§	
Filed: June 28, 2001	§	
	§	
For: LOCALIZED ANNEALING OF	§	
UV INDUCED INDEX	§	
GRATING-IN OPTICAL	§	
WAVEGUIDES	§	

CONTINUATION OF SECTION 2A IN THE PETITION FOR REVIVAL OF AN
APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR
1.137(b)

A teleconference with the Examiner indicated that the file was lost internally at the United States Patent and Trademark Office and therefore the petition to revive and the response filed on November 25, 2003 was not entered in the record. As evidence of the petition to revive and response filed on November 25, 2003, please find attached a copy of the "Auto-Reply Facsimile Transmission" from the United States Patent and Trademark Office.

TO: Auto-reply fax to 613 562 9231 COMPANY:

Auto-Reply Facsimile Transmission



TO:

Fax Sender at 613 563 9231

Fax Information

Date Received:

Total Pages:

11/25/2003 9:30:00 AM [Eastern Standard Time]

15 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page

=====>

NOV 25 2003 9:34 AM FR 613 563 9231 613 563 9231 TO 17036729306 P.01	
<p align="center">TRANSMITTAL FORM</p> <p align="center">(to be used for all correspondence after initial filing)</p>	
<p>Under the Patent and Trademark Act of 1980, as amended, any person that is required to file a document with the United States Patent and Trademark Office (USPTO) must file a copy of that document with the Office of the Commissioner of Patents and Trademarks (USPTO) and the Office of the Trademark Commissioner (USPTO).</p>	
<p>Application Number: 06/022,072</p> <p>Filing Date: June 28, 2001</p> <p>First Named Inventor: Bernard L. Katz</p> <p>Art Unit: 2874</p> <p>Examiner Name: D. Peltzovsk</p> <p>Attorney/Deputy Name: 708P0005-1</p>	<p>Total Number of Pages in this Submission: 15</p>
<p align="center">ENCLOSURES (Check all that apply)</p>	
<p><input checked="" type="checkbox"/> Fee Transmittal Form</p> <p><input type="checkbox"/> Fee attached</p> <p><input type="checkbox"/> Amendment/Reply</p> <p><input type="checkbox"/> After First</p> <p><input type="checkbox"/> After Continued Examination (ACE)</p> <p><input type="checkbox"/> Continuation of Prior Request</p> <p><input type="checkbox"/> Continued Examination Request</p> <p><input type="checkbox"/> Information Disclosure Statement</p> <p><input type="checkbox"/> Certified Copy of Priority Documents</p> <p><input type="checkbox"/> Response to Interview Prior to Initial Application</p> <p><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.53 or 1.55</p>	<p><input type="checkbox"/> Drawing(s)</p> <p><input type="checkbox"/> Unpublished Patent</p> <p><input checked="" type="checkbox"/> Petition</p> <p><input type="checkbox"/> Petition to Cancel to a Promotional Applicant</p> <p><input type="checkbox"/> Petition of Agency, Rejection</p> <p><input type="checkbox"/> Change of Correspondence Address</p> <p><input type="checkbox"/> Terminal Disclaimer</p> <p><input type="checkbox"/> Request for Refund</p> <p><input type="checkbox"/> CO Number of CO(s)</p>
<p><input type="checkbox"/> After Amendment Contribution to a Technology Domain (TC)</p> <p><input type="checkbox"/> Appeal Contribution to Record of Appeals and Interventions</p> <p><input type="checkbox"/> Appeal Contribution to TC (Petition, Motion, Reply, Answer)</p> <p><input type="checkbox"/> Proprietary Information</p> <p><input type="checkbox"/> Status Letter</p> <p><input type="checkbox"/> Other Document(s) (please specify below)</p>	
<p align="center">SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</p>	
<p>Firm or Individual: <input type="checkbox"/> Firm <input checked="" type="checkbox"/> Individual</p> <p>Signature: <i>[Signature]</i></p> <p>Date: 24 NOV 2003</p>	
<p align="center">CERTIFICATE OF TRANSMISSION MAILING</p>	
<p>I hereby certify that the correspondence is being furnished to the USPTO or appropriate office as indicated below. (Signatures of Applicant, Attorney, or Agent are required.)</p>	
<p>Typed or printed: Marko Grubisic TCS-875-025</p> <p>Signature: <i>[Signature]</i></p>	<p>Date: 25 NOV 2003</p>
<p><small>This document is transmitted as required by 37 CFR 1.6. This document is required to state or state a benefit by the patent which is to be filed by the USPTO in patent or trademark. Compliance is required by 37 CFR 1.61 and 37 CFR 1.62. This document is required to be filed 12 months in compliance, including payment, preparation, and submitting the document to the USPTO. There are many exceptions to this rule. Any exceptions to this rule are set forth in the USPTO Manual of Patent Examining Procedure (MPEP) for filing any document, should be sent to the Chief Patent Office, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20501. DO NOT SEND ANY OR COMMUNICATE TO THIS ADDRESS. SEND TO: Contact center for Patent, Washington, DC 20501.</small></p>	
<p align="center"><small>If you need guidance or assistance on this form, call 1-800-PTO or 1-800-595-7179 and select option 6.</small></p>	
<p align="center">PAGE 013 * RCVD AT 11/25/2003 9:34 AM [Eastern Standard Time] * SVR:USPTO-EFXYR-1/3 * DNIS:8729306 * CSID:7136234846 * DURATION (mm:ss):04:44</p>	

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Walter C. Grollitsch 11 March 2005
 Signature Date
Walter C. Grollitsch 48,678
 Typed or printed name Registration Number, if applicable
3040 Post Oak Blvd., Suite 1500 713-623-4844
 Address Telephone Number
Houston, Texas 77056
 Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other : _____

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[Page 2 of 2]